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Chair: Mr. Mac-Donald ..... (Suriname)

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The meeting was called to order at 3.05 p.m.

Agenda item 65: Promotion and protection of the rights of children

(a) Promotion and protection of the rights of children (A/67/41, A/67/225, A/67/256, A/67/230 and A/67/291)

(b) Follow-up to the outcome of the special session on children (A/67/229)

1. **Mr. Lake** (Executive Director, United Nations Children's Fund (UNICEF)), presented the reports of the Secretary-General on the status of the Convention on the Rights of the Child, focusing on indigenous children (A/67/225), and the follow-up to the special session of the General Assembly on children (A/67/229). The reports showed that too many children were still being left behind because of poverty, malnutrition or a lack of education. Indigenous children and children with disabilities in particular were discriminated against, and children in remote communities and conflict-torn regions suffered the most because they were the hardest to reach.

2. Although progress was being made in all regions to reduce the incidence of under-five mortality and stunting caused by malnutrition, too many children did not receive the assistance they needed owing to shrinking aid budgets and the financial, food and fuel crises, a situation that threatened to undo and even halt progress achieved to date. Governments, civil society, the United Nations and the private sector were working together to help countries design targeted interventions to deliver nutrition to communities in need.

3. Unprecedented focus was also being placed on child and maternal health and survival. Thus far 156 Governments, 185 civil society organizations and 220 leaders of faith-based groups had pledged to help Governments end preventable child deaths. Lasting progress depended on equity and therefore on reaching the poorest regions, least developed countries and most disadvantaged and marginalized populations, which bore the heaviest burden of child deaths.

4. Indigenous children experienced extreme forms of exclusion and discrimination and indigenous children with disabilities, affected by HIV/AIDS, without parental care, in rural areas, and those displaced or in conflict zones faced additional barriers. Girls were particularly vulnerable. Indigenous children also were more likely to be victims of violence and exploitation. The situation of indigenous children was an unconscionable moral failure that deprived developing countries of a precious resource and a better future for their societies and economies. Action to reach those children underscored the importance of support for special measures to ensure that, no matter where they lived, indigenous children had equal access to a bilingual multicultural education and to health services and information.

5. It was impossible to safeguard the future of all children without strong political will on the part of countries, and he urged universal ratification and implementation of the Convention on the Rights of the Child.

6. **Ms. Comesaña Perdomo** (Cuba) said that her delegation attached great importance to the rights of children and sincerely appreciated the work of UNICEF on behalf of children worldwide. It was also very grateful for the assistance which the UNICEF representatives in Cuba provided to her country.

7. **Mr. Lake** (Executive Director, UNICEF) said that UNICEF looked forward to continuing its cooperation with Cuba.

8. **Ms. Zerrougui** (Special Representative of the Secretary-General for Children and Armed Conflict), introducing the report of Ms. Coomaraswamy, her predecessor, said that the verdict of the International Criminal Court in March 2012 with respect to Thomas Lubanga and of the Special Court for Sierra Leone in April 2012 regarding Charles Taylor were landmark decisions that sent a powerful deterrent message to military commanders and political leaders responsible for the recruitment and use of children and established important jurisprudence on which national courts could build. The most sustainable way to prevent the child soldier phenomenon was through the enactment and enforcement of the rule of law, as the General Assembly had recognized at its recent High-level Meeting on the Rule of Law at the National and International Levels. The United Nations could play an important role in supporting the efforts of war-torn countries to prevent violations of the rule of law. Strengthening the judiciary and penitentiary systems was critical. Tools that had proved useful in such situations included joint investigation teams, joint prosecution cells and mobile courts.

9. The report also focused on the challenge posed by explosive weapons, which had an inherently indiscriminate impact and, in addition to causing immediate casualties, produced anxiety and trauma among civilians and prevented children from receiving medical treatment and attending school. A recent study had found that explosive weapons caused more deaths, injuries and damage than any other weapon in attacks on health care facilities. Moreover, tactics that resulted in civilian casualties fuelled further animosity and grievances.

10. She urged Member States to take measures to reduce the devastating impact of explosive weapons on children and ensure that military operations upheld the principles of distinction, proportionality and precaution.

11. One of her key priorities was to expand cooperation between her office and regional organizations. The European Union had already developed guidelines on children and armed conflict for its staff in the field and in Brussels. She would also like to extend the collaboration with the African Union and other regional and subregional organizations. She had already held preliminary consultations with the African Union; cooperation would focus on capacity-building, guidelines and training for African peacekeepers on child protection.

12. Collaboration with her United Nations peers was central to the success of her mandate, and cooperation among United Nations actors in the field was crucial in order to maximize the impact of their work and ensure a multidimensional approach to child protection. The Executive Director of UNICEF, the Special Representative of the Secretary-General on Violence against Children, the Chair of the Committee on the Rights of the Child and her mandate had already agreed to cooperate on developing technical guidance and training on monitoring and reporting violations against children and implementing joint advocacy campaigns.

13. In order to re-energize cross-regional support for the protection of children in situations of armed conflict, the original impetus for her mandate, she would reach out to Member States with concerns about the implementation of the mandate in order to ensure that her office was viewed as being fair and balanced. She would also consolidate the gains made under the mandate by implementing as fully as possible the tasks entrusted to her office by United Nations legislative bodies, including work on monitoring and reporting, dialogue and action plan implementation. In partnership with Member States, she would explore ways to support the establishment of national accountability mechanisms to address violations against children and find new approaches to tackle the challenge of persistent perpetrators.

14. In conclusion, she emphasized that it was critical for Member States to maintain consensus on the urgency of action to protect children in situations of armed conflict. Breaking consensus and support for that work would embolden perpetrators and send the wrong signal to child victims, who counted on the international community to protect them.

15. **Mr. Berger** (Germany), speaking also as the Chair of the Working Group of the Security Council on Children and Armed Conflict, said that his delegation welcomed the recent signing by a number of Governments of action plans to end the recruitment of children. It also endorsed the Special Representative's recommendations concerning the use of explosive weapons in populated areas.

16. The recent judgements by international criminal tribunals had proved to perpetrators that they would be held accountable for their actions. He asked what further steps could be taken to improve the prosecution of offenders, including within the framework of transitional justice. He also wished to know how local and national justice systems could be strengthened in order to hold all perpetrators accountable.

17. **Ms. Skarpeteig** (Norway) said that the Special Committee on Peacekeeping Operations had recommended the inclusion, where appropriate, of specific child protection provisions in peacekeeping mandates and had encouraged the deployment of child protection advisers in all relevant peacekeeping operations. She would welcome the Special Representative's views on how best to achieve those objectives.

18. The UNICEF Innocenti Research Centre report entitled "Birth Registration and Armed Conflict" of 2007 had referred to a call for a "life passport" for all. Given the importance of protecting children affected by armed conflict, she requested an update on its status.

19. The struggle for children's rights, dignity and safety, including in armed conflict, must be a priority on the international agenda. Norway would continue to support the very important work of the Special Representative, who played a leading role in that area.

20. **Mr. Koehler** (Observer for the European Union) said that the work of the Special Representative had been essential to the progress achieved thus far on behalf of children affected by armed conflict. The recent judgements of the International Criminal Court and of the Special Court for Sierra Leone were important milestones in the effort to bring to justice those responsible for the war crime of recruiting children in armed conflict. However, as indicated in the report of the Secretary-General on children and armed conflict, 32 parties had been on the list of persistent perpetrators of grave violations against children for over five years. The international community must further intensify its efforts on behalf of conflict-affected children. He asked what else could be done to address the issue of persistent perpetrators.

21. The Special Representative and her predecessor, in concert with United Nations agencies on the ground, had established a comprehensive monitoring and reporting mechanism on grave violations against children. The European Union would welcome her views regarding additional ways to mainstream the issue of children and armed conflict within the United Nations system.

22. **Mr. Rishchynski** (Canada), speaking on behalf of the Group of Friends on Children and Armed Conflict, comprising 38 Member States from all five regional groups, said that the work of the Special Representative and her partners in the field was at the heart of the robust framework established by the international community to improve the protection of affected children. Efforts to improve child protection, including action plans to halt child soldiering, were one of the success stories of the United Nations system. The Group of Friends strongly supported the collaboration in that regard between the Special Representative of the Secretary-General on Children and Armed Conflict, the Special Representative of the Secretary-General on Violence against Children, UNICEF and the Department of Peacekeeping Operations, both at Headquarters in New York and, most crucially, in the field. It would welcome further information regarding plans to strengthen the child protection network being undertaken by regional organizations.

23. **Ms. Sumi** (Japan) welcomed the adoption of additional action plans to end child soldiering. The Special Representative's mandate was extremely important and her country would continue to support the activities of her office.

24. **Mr. Ponikvar** (Slovenia) said that his country was deeply concerned about the devastating impact of explosive weapons and had undertaken initiatives through its ITF fund, which focused on enhancing human security through operations such as landmine clearance and assistance to mine victims, particularly children. He asked how the Special Representative planned to address the problem in the future.

25. **Ms. Vadiati** (Islamic Republic of Iran) said that her delegation was very concerned about the severe impact on children of ongoing targeted attacks by terrorists and armed groups. Such attacks, increasingly frequent in the Middle East, were usually carried out with support and intervention by foreign actors and resulted in foreign occupation. Thus far the reports of the Special Representative had not tackled the very important question of the impact on children of foreign occupation in the context of armed conflict, which should be addressed in her future reports.

26. **Mr. Bichet** (Switzerland) said that the abduction of children and the denial of humanitarian access to children by parties to conflict should be added to the specific grave violations warranting the inclusion of parties on the lists contained in the annexes to the report of the Secretary-General on children and armed conflict.

27. Increased pressure should be brought to bear on non-State actors, particularly on non-State armed actors. The recent verdicts handed down by the International Criminal Court and the Special Court for Sierra Leone had put military commanders on notice that they would have to answer for their actions. Close cooperation between the Security Council and national and international tribunals was essential in order to minimize the impact of armed conflict on children. He asked how the tribunals could work together more closely to achieve that objective.

28. **Mr. Strohal** (Austria), welcoming the progress achieved on the ground since the previous report, said that the signing of additional action plans proved that

they were effective instruments for separating children from armed forces or groups and preventing further recruitment. His delegation also welcomed the information in the current report regarding the close collaboration and cooperation of the office of the Special Representative with other United Nations entities, Member States and nongovernmental bodies involved in child protection.

29. Given the devastating impact of explosive weapons on civilians, the risk of indiscriminate harm was reason enough to consider the issue in greater depth. He asked what the United Nations could do to facilitate the more systematic data collection recommended in the previous Special Representative's report.

30. **Mr. de Antueno** (Argentina) said that the United Nations had made considerable progress during the past ten years in protecting children affected by armed conflict. However, despite the concrete results achieved through the monitoring and reporting mechanism established by Security Council resolution 1612 (2005), new challenges must be addressed, including the need to respond to persistent perpetrators of grave violations against children. Their failure to heed the call to halt such violations undermined the mechanism and the authority of the Security Council, which had expressed its intention to consider imposing targeted and graduated measures against those parties.

31. Thorough consideration should be given to the recommendations in the report of the Special Representative and the report of the Secretary-General on children and armed conflict regarding ways to increase pressure on parties to conflicts to enter into dialogue with the United Nations and adopt suitable action plans that would profoundly alter their conduct.

32. **Ms. Chase** (United States of America) said that her delegation remained deeply committed to protecting children from the exploitation, abuse, violence and terrible suffering caused by armed conflict and would work with the Special Representative and other child protection partners to improve the situation of conflict-affected children.

33. She asked what the best practices were for preventing child recruitment and ensuring the accountability of persistent perpetrators of offences and abuses targeting children in armed conflict. Governments whose armed forces recruited children generally had little capacity to act. She wished to know how those Governments could be encouraged to prioritize child protection given the host of other challenges they faced.

34. Lastly, since the boy child and girl child had different needs in the context of disarmament, demobilization and reintegration, her delegation would like to know how the Special Representative would integrate a gender perspective into her approach to her mandate.

35. **Ms. Zerrougui** (Special Representative of the Secretary-General on Children and Armed Conflict) said that it was essential to establish a sustainable national institutional response to the issue of persistent perpetrators. Governments must increase awareness of the fact that recruiting and using children in armed conflict was a crime for which perpetrators would pay a price. They must adopt legislation to combat the practice and they must implement the legislation. The relevant international bodies should help Governments to develop the capacity to translate their will into reality.

36. Transitional justice and reconciliation efforts in post-conflict situations must address the needs of child victims and their communities alike. Reparations and appropriate reinsertion and reintegration arrangements were therefore crucial in order to ensure that children were not stigmatized, marginalized or viewed as perpetrators.

37. In order to mainstream the issue of children and armed conflict within the United Nations system it was essential to deploy well-trained child protection advisers to advocate for children in missions of the Department of Peacekeeping Operations and the Department of Political Affairs. She urged Member States to accord priority to the issue at the highest levels of policy and implementation.

38. Ensuring the successful integration of the gender perspective was one of her priorities. Field representatives of organizations working in conflict-affected countries must be aware that the impact and consequences of conflict, including sexual violence, often differed for girls and boys. Her office, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNICEF and the office of the Special Representative of the Secretary-General on Violence against Children would work together to ensure that policies regarding the issues involved were reinforced by action in the field.

39. Governments of conflict-affected countries must be made aware of the importance of birth registration and provided with assistance to build registration capacity, including registration in the field. Pending the implementation of birth registration, alternatives such as identifying and screening out children who were associated with armed forces and groups could be offered.

40. With regard to collaboration between international and national courts on matters involving children affected by conflict, she said that recourse could be had to regional or international jurisprudence in situations where a national response was not possible, for example, when a country lacked capacity or sufficient expertise to deal with a complex situation, or in the absence of a field-based justice system.

41. Reliable data on the use of explosive weapons in armed conflict was urgently needed. All parties in a position to provide such data and offer expertise on the issue were being urged to do so in order to assist the parallel efforts of the relevant United Nations bodies. Governments in particular must raise awareness regarding the gravity of using such weapons.

42. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children), introducing her annual report (A/67/230), said that the considerable progress achieved during the previous year to protect children from violence had been possible thanks to very strong support of her mandate and collaboration by Member States and many entities and actors within and beyond the United Nations system. Children had provided valuable input as well. The United Nations Study on Violence against Children was spurring increased momentum across regions to accelerate children's freedom from violence.

43. The human rights foundation of the child protection agenda had been widened over the past year and new international standards had been developed and adopted. As a result, children now had access to effective remedies for challenging incidents of violence and additional safeguards were in place for child domestic workers. Her office had continued to promote awareness-raising and the consolidation of knowledge on the prevention of and response to violence against children by organizing expert consultations on the root causes and risk factors and by developing thematic studies that contained detailed information for Governments to build on. The most recent studies dealt with juvenile justice and the protection of children from harmful practices.

44. The consolidation of partnerships between her office and regional organizations and institutions had continued to be a cornerstone of her work and had led to the adoption of significant political commitments across most regions to achieve concrete goals with respect to violence against children. Some regions had established annual review mechanisms for assessing progress and regional studies had been conducted in order to deepen understanding of challenges and recommend future action. Regional consultations had been held in Central America, the Caribbean and South Asia; review meetings had been held in the Southern Common Market (MERCOSUR) and by the League of Arab States; a regional review meeting would be held in November 2012 in Ankara, Turkey; and her office and the Association of Southeast Asian Nations (ASEAN) had agreed upon a cooperation framework in which the protection of children from violence would be a priority. Two regional studies on the implementation of the recommendations of the United Nations Study on Violence against Children would be presented later in October 2012 at a meeting of representatives of the Governments of Uruguay, Brazil and the Dominican Republic, the Caribbean Community, civil society and children.

45. Progress achieved at the regional level played an instrumental role in accelerating commitment at the national level. The over 70 field missions she had organized thus far supported national efforts by bringing her mandate closer to communities, child protection entities and children themselves. It was of the utmost importance to give children opportunities to share their views, perspectives and recommendations in order to ensure that their situation was fully understood.

46. Considerable progress had been achieved in the three priority areas identified in her mandate. To date, 80 countries had adopted a policy agenda on violence against children, 34 countries had introduced an explicit legal ban on all forms of violence against children and many national surveys had been conducted regarding children's exposure to violence.

47. In order to build on the considerable progress already achieved it was crucial to sustain and scale up attention to children's freedom from violence, follow up on the findings of the global survey on violence

against children and prevent the dilution of the child protection agenda in the face of competing priorities. She remained committed to mobilizing and further strengthening partnerships, securing firm, sustained and predictable funding for the effective and independent performance of her mandate and re-energizing efforts to pursue a strategic future agenda.

48. The protection of children from violence must remain a clear priority on the global development agenda beyond 2015. She looked forward to continuing to collaborate with delegations to that end.

49. **Mr. López** (Peru) said that his delegation looked forward to the meeting to be held on 19 October on promising practices from Latin America and the Caribbean for the prevention of and response to violence against children. It also appreciated the opportunity provided by the office of the Special Representative to participate in expert consultations and was pleased to have been a co-sponsor of the expert consultation on prevention of and response to violence against children in early childhood held in Peru in August 2012.

50. **Ms. Al-Fawwaz** (Jordan), speaking on behalf of the Group of Friends supporting the mandate of the Special Representative, which comprised Argentina, Brazil, Egypt, Finland, Portugal, Qatar, Slovenia, Uruguay and her own country, said that the Group was grateful to the Special Representative for her tireless efforts to combat violence against children worldwide and that it would fully support the renewal of her mandate.

51. The Group wished to know which areas among her priorities would require special attention on her part. In addition, General Assembly resolution 62/141, which had established the mandate, had requested States, relevant United Nations agencies and the private sector to provide voluntary contributions to fund the mandate. The Group would appreciate hearing her views regarding the mandate's sustainability if funding continued to depend on voluntary contributions.

52. **Ms. Sumi** (Japan) said that research and credible, objective and accurate statistical data were crucial for analyzing the risk and impact of violence during the child's life cycle. Given the absence of internationally agreed methodologies for data collection, her delegation would like to know what concrete actions could to be taken to overcome that challenge.

53. Whatever their social, cultural and economic backgrounds, all countries and regions must address violence against children through a combination of legal frameworks, awareness-raising and prevention programmes. She wished to know how Member States could enhance measures to combat violence against children when available resources were insufficient.

54. **Mr. Escalante Hasbun** (El Salvador) said that social violence was a serious problem in the Latin American and Caribbean region, particularly in his country. His Government appealed to the international community to support its efforts to combat social violence, which took a heavy toll among its young people. His delegation fully supported the renewal of the Special Representative's mandate and hoped that the Special Representative would be able to accept his Government's invitation to visit El Salvador in 2013.

55. **Mr. Koehler** (Observer for the European Union) said that the members of the European Union wished to know what the major challenges and obstacles were for most children involved in the criminal justice system and what should be done to increase awareness on the part of the public and juvenile justice personnel of the need to prevent violence against children within the system.

56. He also asked what had been done to ensure that young people were kept informed about their rights and to encourage them to participate in discussions regarding the prevention of violence.

57. **Mr. Strohal** (Austria) asked whether the Special Representative could provide any examples of successful alternatives to custodial measures. He would also like to know what initial steps States should take when introducing diversion and other alternative non-custodial services and what additional guidance would be useful to enable them to prevent violence in custodial settings.

58. He would also welcome examples of good practice in reforms of plural legal systems to ensure that customary and religious law and traditional practices complied with international human rights standards.

59. **Mr. Ponikvar** (Slovenia) said that his delegation strongly supported the Special Rapporteur's mandate, which it considered to be on an equal footing with similar mandates. The expert consultation on the prevention of and responses to violence against

children within the justice system, organized with the United Nations office on Drugs and Crime and the office of the United Nations High Commissioner for Human Rights, had been particularly welcome.

60. His delegation agreed that poverty, environmental degradation and organized crime aggravated the risk of child neglect, maltreatment and abuse; that the protection of children from violence contributed to the achievement of the Millennium Development Goals (MDGs); and that such protection should be mainstreamed in the post-2015 development agenda. He wished to know whether the Special Representative could provide further information regarding the main objectives countries should take into account when addressing the issue.

61. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children), in response to the representative of El Salvador, said that discussions were in progress regarding arrangements for her visit, which she hoped would take place early in 2013. She welcomed his Government's commitment to combating violence against children resulting from armed violence and organized crime and expressed confidence that the international community would remain committed to supporting its efforts.

62. With regard to measures to protect children within the criminal justice system and alternatives to custodial measures, she said that research conducted by her office and its partners within and beyond the United Nations system had demonstrated the importance of investment in supporting families and their communities in order to prevent the criminalization of young people. Basic social services were essential, particularly for the most disadvantaged populations, whose lack of alternatives left them particularly vulnerable to manipulation by organized criminal groups. Coordination between the social welfare, education and justice sectors was therefore crucial in order to ensure that child protection systems functioned effectively and were sensitive to children's perceptions.

63. In criminal justice systems with poorly trained staff, violence against children was perceived as normal and children were more vulnerable to abuse by other detainees. In many countries legislation condoned forms of violence such as flogging, amputation, stoning, life imprisonment and capital punishment. It was therefore essential to invest in awareness-raising and capacity-building in juvenile justice systems and in screening potential employees.

64. Deprivation of children's liberty should always be a measure of last resort and should be imposed for the shortest possible period of time. Investment in alternative non-custodial measures such as restorative justice was needed. A number of excellent examples from the United States and Norway had been presented at the recent launch of the thematic report presenting the outcomes of the expert consultation on the prevention of and responses to violence against children within the justice system.

65. Non-custodial alternatives had been used in some communities for many years. A very helpful best practice for restorative justice was followed by the Maori people in New Zealand. Young persons responsible for an offence were held accountable but were also treated with respect and compassion, thereby lessening the stigmatization they experienced.

66. Although many countries had recently conducted significant national surveys to gather data concerning violence against children, many gaps remained regarding its definition. Even in countries with strong child protection systems data was fragmented across the justice, health and welfare sectors and perceptions differed regarding children's needs and how to meet them.

67. The expert consultation on strengthening data and research to protect children from violence, hosted by the Government of Sweden, had highlighted the importance of determining how best to capture children's perceptions, views, experiences and recommendations regarding violence against them. It was crucial to gather that information in a manner that avoided manipulating young people or putting them at risk. She hoped that the recommendations that had emerged from the consultation would be helpful to Governments. The UNICEF study entitled "Child Disciplinary Practices at Home", which covered more than 30 countries, was another valuable source of information.

68. It was essential to help young people understand the importance of their contribution to the child protection agenda and, in the process of listening to them, to be sensitive to their expectations, their level of development and the context in which they lived. To assist in the awareness-raising effort, child-friendly publications were available on a section of her office's

website designed specifically for young people. Their participation in expert consultations was also encouraged, and she was very impressed by the readiness of young people to provide input at such events.

69. The fact that her mandate was financed solely by voluntary contributions hampered its effectiveness and independence. Firm and predictable support was crucial, and she was very grateful to Governments that had been providing her office with funds. However, the financial crisis affecting so many countries, including some contributors, jeopardized the ability to plan strategically. She hoped that the Committee would take those risks into account and find a solution that accorded her mandate the same status as similar mandates within the United Nations system.

70. **Mr. Zermatten** (Chair, Committee on the Rights of the Child), introducing the report of the Committee on the Rights of the Child (A/67/41) covering its six sessions since the adoption of its previous biennial report, welcomed the fact that, pursuant to General Assembly resolution A/66/141, his statement at the current session would be followed by an interactive dialogue.

71. Following its adoption by the General Assembly in December 2011, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure had been signed by 35 States and had been ratified by Gabon and Thailand. He urged other States to follow suit so that complaints could be submitted directly to the Committee by or on behalf of children, thereby enabling them to benefit from the same rights as adults as subjects of law. A total of ten ratifications were required for the Optional Protocol to enter into force.

72. Thus far 160 States had ratified the Optional Protocol on the sale of children, child prostitution and child pornography and 150 States had ratified the Optional Protocol on the involvement of children in armed conflict. Three States had yet to ratify the Convention. He once again called for universal ratification of the Convention and its Optional Protocols.

73. When reviewing periodic reports from States parties, the Committee had been pleased to note a gradual shift in attitudes towards children in many States that had adopted legislation and other measures to implement the Convention and its Optional Protocols. However, successive reports from some States revealed an alarming picture of ongoing violations of children's rights, even regression in some cases. Expectations generated by the 2006 publication of the World Report on Violence against Children of far greater progress towards reducing all forms of such violence had gone largely unmet, as indicated in the conclusions of a follow-up report prepared in 2011 by non-governmental organizations. To facilitate robust action in that area, the Committee had drawn up guidelines on the right of the child to freedom from all forms of violence in its general comment No. 13 on article 19 of the Convention.

74. The impact and consequences of the current economic crisis on the realization of child rights was of increasing concern. Even in times of fiscal constraint, no economy or country could afford to seek savings by reducing support for children. Indeed, the Committee strongly believed that, in addition to increasing budget allocations to protect child rights, States should establish strategic budget lines dedicated to those rights in order to protect such funding in times of economic crisis. The establishment of mechanisms to monitor and evaluate the effectiveness, adequacy and fair distribution of resources allocated to implement the Convention remained a major challenge for most countries affected by the crisis.

75. The impact of climate change on the lives of millions of children worldwide was also of increasing concern to the Committee. Those phenomena would continue to cause violations of the rights of children and would force them to migrate in circumstances exposing them to the risk of the most egregious forms of exploitation. Urgent measures must be adopted in order to ensure that children inherited a habitable planet and to protect them when they were forced to abandon their region or country.

76. A third major concern of the Committee was the potential for dangerous regressions in juvenile justice systems. The gains made possible by the restorative justice movement were being eroded in many countries. Child offenders were being subjected to repressive measures that were inappropriate when dealing with juvenile delinquency. He urged States to realign their juvenile justice systems with relevant international standards.

77. The continuing backlog of reports pending review in the Committee prevented their consideration within

a reasonable time following submission, owing in part to the requirement for States parties under the Optional Protocols to submit separate initial reports. Thus far 96 reports had been submitted under the Optional Protocol on the involvement of children in armed conflict (72 had been considered) and 80 reports had been submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (59 had been considered). In 2010, additional resources approved by the General Assembly had enabled the Committee to meet in double chambers in three sessions and thus cap the backlog. However, with the termination of double chambers, the reports pending review had begun to accumulate once more, representing a delay of three years from receipt to consideration of a report. There would be fewer reports submitted once all initial reports had been considered, but it was likely that the Committee would continue to face a serious backlog.

78. To address the delay in the consideration of reports and to encourage timely reporting, the Committee had decided, at its fifty-sixth session, to request the General Assembly to approve the organization of one of its three annual sessions in two parallel chambers on a permanent basis. He would therefore ask the General Assembly, at its sixty-seventh session, to approve that request and to provide appropriate financial support to enable the Committee to work in two chambers at one of its three sessions on a permanent basis beginning in 2013. The Committee realized that additional working days were but an interim solution to the delays in considering reports. The workload of the Committee would have to be reviewed once universal ratification of the Convention and Optional Protocols and universal compliance with reporting requirements had been achieved.

79. The Committee consistently sought to ensure the effectiveness of its methods of work and continued to participate actively in the harmonization of working methods among treaty bodies and in all efforts to promote and give great visibility to the role of treaty bodies in protecting human rights worldwide.

80. He was pleased to announce that on 5 October 2012, at its recently completed sixty-first session, the Committee had adopted the guidelines on independence and impartiality of members of the human rights treaty bodies in the exercise of their functions and had incorporated them into its rules of procedure, as recommended by the United Nations High Commissioner for Human Rights in her report on the strengthening of the treaty bodies.

81. Measures adopted to increase efficiency did not necessarily reduce costs, and if the Committee's work was to be user-friendly and visible, it might have to invest more in a number of areas. The Committee's acute lack of resources underscored the urgency of its request to the General Assembly to enable the Committee to work in two chambers each year at one of its annual sessions.

82. **Mr. Haniff** (Malaysia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN was pleased that UNICEF, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict were reducing overlap when discharging their mandates and had stepped up their collaboration, in concert with other United Nations system partners, to coordinate the promotion and protection of children's rights worldwide. Collaboration between the United Nations and Member States regarding child protection was also essential and must take into account which actors and services were best equipped to tackle the various dimensions involved. ASEAN therefore attached the utmost importance to the reference in the report of the Special Representative of the Secretary-General on Children and Armed Conflict to working with the appointed Government focal point in situations of armed conflict. The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children followed a collaborative and consultative approach with ASEAN Member States, academia and civil society.

83. A lack of capacity rather than a lack of will to enforce international standards on child rights often impeded action on behalf of children. To address such situations within the Association, the ASEAN Socio-Cultural Community Blueprint had been developed to safeguard the rights of children, provide them with equal opportunities and raise their quality of life and standard of living. ASEAN welcomed the technical cooperation which the United Nations system extended to its members to help them achieve those objectives.

84. United Nations child protection mechanisms must adhere to their mandates and respect the frameworks agreed by Member States and United Nations country teams, in keeping with the principles of

complementarity, partnership and effectiveness. Looking ahead to 2015, ASEAN also encouraged the United Nations system to cooperate with the Association's members at the national and regional levels in support of their efforts to attain the MDGs concerning children.

85. **Mr. Butt** (Pakistan) said that the child protection mechanisms of the United Nations system must collaborate and cooperate with one another and must avoid duplication of work while at the same time strictly abiding by their given mandates, as called for in General Assembly resolution 66/139. His delegation rejected the naming and shaming approach followed in the past, which had merely sowed divisiveness in the area of child rights and had failed to have an impact on the majority of violators of child rights, most of whom continued to be non-State actors.

86. He urged all United Nations agencies and stakeholders to cooperate with Member States, and welcomed the assurance by the Special Representative of the Secretary-General on Children and Armed Conflict that she intended to work in a consensual manner in addressing the situation of conflict-affected children. His country stood ready to work collectively to promote the child rights agenda.

87. **Ms. Skarpeteig** (Norway) asked whether measures had been taken to follow up on the recommendations of the World Report on Disability issued by the World Bank and the World Health Organization in 2011.

88. The Committee on the Rights of the Child provided valuable information and recommendations regarding thematic issues and human rights standards. She would welcome the views of the Chair regarding the ability and willingness of the development community to follow the Committee's recommendations in development cooperation and programme design.

89. **Mr. Sparber** (Liechtenstein) said that his delegation fully supported the Committee's request to meet in parallel chambers for the period recommended and would urge the General Assembly to provide the funding required for that purpose. He requested details concerning the impact of that innovative arrangement on both the quantity and quality of the Committee's work.

90. He would also welcome additional information about the simplified reporting procedure discussed in the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254.

91. **Ms. Morrissey** (Switzerland) welcomed the fact that the Committee had begun work on a general comment regarding child rights and the business sector. In light of the increasing importance of ensuring corporate respect for child rights, her Government had financed the participation of the Swiss Resource Centre for Human Rights in a seminar on Child Rights and the Business Sector: Urging States and private companies to meet their obligations. She would like to know how States that were working with the Committee to address the issue could create an environment conducive to corporate cooperation.

92. The draft of the general comment suggested that home and host States that had signed the Convention should cooperate to prevent businesses with overseas operations from violating child rights. In practice, some host States either hesitated or lacked the resources to do so, and such efforts did not always succeed. She wished to know whether the Committee could provide recommendations that would enable host States to enhance cooperation with transnational businesses under their jurisdiction.

93. Solutions to the problems involved in ensuring that companies operating extraterritorially respected child rights could prove useful in the context of the implementation of the general comment on business and children's rights. She asked whether the Committee planned to cooperate with the sessional working group on the working methods and activities of transnational corporations in that regard.

94. **Mr. Gálvez** (Chile) said that his delegation welcomed the fact that the Third Committee was able to have an interactive dialogue with the Chairperson of the Committee on the Rights of the Child.

95. His country's combined fourth and fifth periodic reports, submitted to the Committee in September 2012, were the result of a participatory process which had included children. Chile's engagement on the issue of child rights was also demonstrated by the fact that it had signed the Optional Protocol on a communications procedure in February 2012.

96. Given the backlog of reports awaiting review, his delegation agreed that the Committee should be able to meet in two chambers, without prejudice to the solutions reached in the intergovernmental process on strengthening the treaty body system, which should lead to a permanent solution to the problems under discussion.

97. Regional workshops in Latin America had demonstrated the benefits of cross-sector participation to strengthen State capacity on child rights issues. He wished to know how the Committee could help States improve the preparation and presentation of their periodic reports, including in respect of the participative aspect of the process. He also asked how the Committee could help States disseminate its work in order to increase awareness of the importance of implementing the Convention.

98. **Ms. Comesaña Perdomo** (Cuba) said that the interactive dialogue with the Chairperson of the Committee on the Rights of the Child provided a valuable opportunity for constructive engagement with States parties regarding their obligations under the Convention. She requested further information about the difficulties the Committee faced in carrying out its mandate, particularly regarding its arrangements for dealing effectively with the large number of reports awaiting consideration.

99. **Mr. Koehler** (Observer for the European Union) said that the European Union welcomed the positive trends with regard to the global implementation of the Convention. However, it was concerned that domestic violence, discrimination and xenophobia were on the rise.

100. The Committee had indicated that, in fulfilling its functions under the Optional Protocol on a communications procedure, it would be guided by the best interests of the child and would bear in mind the views of the child. He asked whether additional measures specifically targeted to the needs of children would be available to the Committee when it dealt with individual complaints.

101. **Mr. Lake** (Executive Director, UNICEF), replying to the representatives of Malaysia and Pakistan, said that he was also speaking on behalf of the Special Representative of the Secretary-General on Children and Armed Conflict. Her office and UNICEF strongly believed that maximizing complementarity and avoiding duplication of work were essential, as were close cooperation and collaboration with Governments. Ensuring the best interests of children was always the central focus of their work. The report on strengthening collaboration on child protection within the United Nations system would be prepared in a transparent and collaborative manner and would take into account input from Member States.

102. Much of the information regarding the rights of indigenous children contained in the report on the status of the Convention on the Rights of the Child was also applicable to disabled children. An alliance on behalf of children with disabilities had recently been launched and disabled children would be the focus of the UNICEF report in 2013 on the State of the World's Children.

103. **Mr. Zermatten** (Chair, Committee on the Rights of the Child) echoed the emphasis on the importance of coordination and collaboration among relevant stakeholders for ensuring respect for the rights of children. The Committee had established institutional collaboration on child rights with the African Group and the Council of Europe, and similar arrangements with other partners also were possible.

104. He agreed that it was essential to increase the capacity of States to adequately address child rights issues and emphasized the importance of providing training to all professionals working with and for children.

105. In response to the question from the observer for the European Union, he said that the rules of procedure governing the implementation of the Optional Protocol on a communications procedure would include a separate section devoted to the best interests of the child; the right of the child to be heard; observance of the celerity principle in order to take into account the fact that children's perception of time differed from that of adults; and measures for the protection of victims. The rules would be adopted in January 2013.

106. Replying to the questions raised concerning the Committee's recent experience with double chambers, he said that the arrangement had helped to reduce the backlog of reports awaiting consideration at least temporarily and had enabled the Committee to improve the quality of its work.

107. Use by States parties of the simplified reporting procedure rather than the traditional list of issues would enable the Committee to review their reports

more quickly and make it easier for States to establish priorities through dialogue.

108. The Committee had been addressing the situation of children with disabilities since its inception. For example, in 2006 it had adopted general comment No. 9 on the rights of children with disabilities; the concluding observations it provided to States parties after reviewing their reports always addressed the health needs of disabled children; when the Committee found that inclusion policies, legislation to ensure respect for the rights of disabled children and mechanisms to ensure their protection were lacking or inadequate, States parties were asked to remedy those situations. The absence of inclusion policies was the most common shortcoming.

109. Given the very large variety of business actors, it was important to hold national dialogues at which they could provide input for the preparation of the general comment on child rights and business. The question of extraterritorial jurisdiction would receive careful consideration at the international level. The provisions of the Optional Protocol on the sale of children, child prostitution and child pornography calling on States parties to extend their jurisdiction beyond their borders could perhaps be applied in other child rights contexts. The Committee would also benefit from the guidelines provided in the document "Children's Rights and Business Principles" issued in the spring of 2012 by UNICEF, the United Nations Global Compact and Save the Children.

110. **Mr. Haniff** (Malaysia), speaking on behalf of ASEAN, said that in order to accelerate progress towards the goals set out in the ASEAN Socio-Cultural Community Blueprint the Association had developed the ASEAN Strategic Framework for Social Welfare and Development (2011-2015), which was based on a number of key ASEAN policy documents adopted over a period of many years. Although the region as a whole was making good progress towards achieving the MDGs, performance across countries was uneven. The Strategic Framework called for promoting children's welfare by safeguarding their rights and ensuring their survival and full development; protecting them from abuse, neglect, violence, discrimination and exploitation; and encouraging their meaningful participation in society. In pursuit of those objectives greater attention would be focused on child protection, malnutrition, HIV/AIDS, sanitation and hygiene and education.

111. The promotion of children's rights was critical to achieving sustainable development. The national agendas of ASEAN member States called for investment to establish child protection policies, laws and regulations; develop models for diversion and restorative justice for children in conflict with the law; and establish mechanisms to protect child witnesses and victims of child abuse, exploitation and child trafficking.

112. The Strategic Framework called for a review of the situation of conflict-affected children and families in order to increase understanding of their needs and provide a basis for strengthening laws, policies and services to safeguard their well-being. It also called for the convening of regional intersectoral workshops to study the impact and cost of violence against children and the effectiveness of multisectoral prevention strategies. The workshops sought to increase understanding of the issue of violence against children, inform policy and strategy development and provide guidance on how to analyze national statistical parameters in order to support cost-effective social welfare systems for children and families by 2015.

113. In July 2012 the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children had discussed projects and activities to be implemented from 2012 to 2014 on a broad range of issues affecting children. The Commission had also sought input from 39 national and regional civil society organizations regarding its proposed draft decision on violence against women and violence against children.

114. The third annual United Kingdom-Southeast Asia Regional Child Protection Workshop in March 2012 had provided Cambodia, the Philippines, Thailand and Viet Nam with the opportunity to work with many stakeholders to strengthen cooperation, exchange experience and share best practices on protecting children from exploitation.

115. In keeping with its ongoing commitment to mainstream the participation of children in regional programmes, the second ASEAN Children's Forum had been held in June 2012. The Forum had provided an opportunity for children to express their views on issues affecting them, educated them about their rights under the Convention on the Rights of the Child and enabled them to explore how adults, organizations and agencies could help them realize their rights. The participants had called on Governments to take prompt

action to assist the most vulnerable children. ASEAN would continue to work to promote and protect their rights and fundamental freedoms.

116. **Ms. Chahin** (Chile), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that said that the signing and ratification of the Convention on the Rights of the Child and its Optional Protocols should be a priority; that would help to ensure that all children fully enjoyed their human rights and fundamental freedoms. She hoped that the office of the Special Representative on Violence against Children would receive the support needed.

117. The Community welcomed the observance of the first International Day of the Girl Child, which signalled the fact that the rights of girls were central to development. CELAC hoped that the deliberations on the rights of indigenous children in the framework of the United Nations Declaration on the Rights of Indigenous Peoples would help to make that issue a cross-cutting one on the United Nations agenda, so that States could focus on that group — which was disproportionately at risk of violence, neglect and abuse — and make its needs a priority in their national development policies and programmes. States should fully comply with relevant international conventions and recommendations, eliminate barriers to discrimination against indigenous children and include the issue in their national MDG monitoring and reporting activities and national development policies and programmes.

118. States must give priority to meeting the basic needs of indigenous children, including access to quality health care. Some CELAC member States promoted the use of intercultural medicine as part of their health-care systems. CELAC also noted with concern the rising levels of obesity, particularly among children and youth. Furthermore, maternal and child health was closely linked with non-communicable diseases and their attendant risk factors.

119. CELAC condemned the pernicious practice of the enforced disappearance of children, denying those children their identity. She called on Member States to prevent the abduction of children and sanction perpetrators, and to work together to search for and identify victims and return them to their families, in line with relevant international agreements and legal procedures.

120. Children with disabilities also faced extreme marginalization and exclusion and were disproportionately exposed to violence, abandonment and abuse. Priority must be given to guaranteeing disabled children full enjoyment of their rights and meeting their basic needs.

121. International cooperation and development were keys to enhancing children's participation, and supportive national policies were needed to promote their well-being. Civil society, the private sector and the media all had an important role to play in the promotion and protection of the rights of the child, and the policies and actions adopted on issues affecting children must take into account the best interests of the child and incorporate a gender perspective.

122. The member States of CELAC were deeply concerned about the vulnerability of child victims of trafficking, sexual exploitation, rape, abuse, sale of organs, sexual tourism and child pornography, a situation which was exacerbated in the context of poverty, social inequality, discrimination, migration, insecurity and organized crime. It was critical to tackle the underlying causes of those practices, and CELAC was committed to fulfilling the objectives of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents.

123. Despite efforts to curb violence against children, that scourge was still widespread. CELAC was committed to working with the United Nations on raising international standards, strengthening and consolidating existing international instruments and mechanisms, fulfilling the Millennium Development Goals related to children and the declaration and plan of action for "A World Fit for Children".

The meeting rose at 6.05 p.m.